

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-16-536
-vs-)	
)	DECISION
WILLIAM EUGENE FITCH,)	
)	
Defendant.)	

On January 26, 2017, the District Court sentenced the Defendant to the Montana State Prison for a term of ten (10) years, for the offense of Tampering with Witnesses and Informants, a felony, in violation of §45-7-206(1)(b), MCA. The Court ordered the sentence to run concurrent to the six (6) month sentence imposed in DC-16-468. The Court granted the Defendant credit for forty-two (42) days served in custody pending final disposition in this matter (10/22/16 to 12/2/16).

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Nicole Gilbert, third year law student working under the supervision of Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4th day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



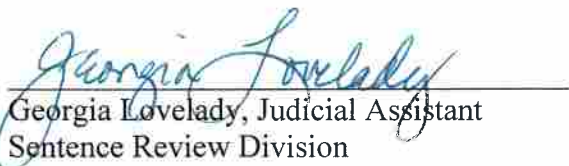
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
William Eugene Fitch #2014362, Defendant (2)
Hon. Robert B. Allison
Brent Getty, Defense Counsel
Alison Howard, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division